

**REMARKS**

This Preliminary Amendment is being submitted in connection with a Request for Continued Examination (RCE).

Claims 1 and 27 are currently amended, no claims are canceled, and no claims are added. As a result, claims 1-27 are currently pending and subject to examination in this application.

The Applicant has amended claims 1 and 27 to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Applicant has amended claims 1 and 27 to recite that the high performance detection algorithm (or in the case of claim 27, the VMS module) operates on a frame having pixels in grey scale for a selected portion of the frame, and operates on the frame having pixels in RGB or other color domain for another portion of the frame. The Applicant respectfully submits that this differentiates over the Pavlidis reference, which only relates to the use of a color camera during the day and a grayscale camera at night.<sup>1</sup> There is no disclosure in Pavlidis of analyzing an image in both the grayscale and a color domain.

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<sup>1</sup> Pavlidis, p. 1482, second column, last paragraph.

**PRELIMINARY AMENDMENT**

Serial Number: 10/684,865

Filing Date: October 14, 2003

Title: MULTI-STAGE MOVING OBJECT SEGMENTATION

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Docket No: H0005041.35984

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2140 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully Submitted,

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Date

January 2, 2008

By

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2nd day of January 2008.

Name

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Signature

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